

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*Cabell County Commission v.
Amerisourcebergen Drug Corporation, et al.,*
Case No. 1:17-op-45053-DAP

*City of Huntington, West Virginia v.
Amerisourcebergen Drug Corporation, et al.,*
Case No. 1:17-op-45054-DAP

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS' JOINT MOTION FOR
LEAVE TO FILE JOINT AND THIRD
AMENDED COMPLAINT UNDER SEAL**

Pursuant to Local Rule 5.2, Plaintiffs in the above captioned cases seek leave to file their Joint and Third Amended Complaint under seal. This Court's May 12, 2019 Order granted "Track 2" Plaintiffs Cabell County Commission and the City of Huntington, West Virginia leave to amend their complaints by June 10, 2019, Doc. 1633.

Local Rule 5.2 states: "No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of sealed documents." Loc. R. 5.2.

Plaintiffs' Joint and Third Amended Complaint contains information, some of which is also included in the existing complaint, that is subject to Protective and Confidentiality Orders, including:

- 1) the Consolidated ARCOS Protective Order Re: DEA's ARCOS/DADS Database, Doc. 1545 (hereinafter "ARCOS Protective Order"); and
- 2) Case Management Order No. 2: Protective Order, Doc. 441.

On April 25, 2018, the Court granted Plaintiff Cabell County Commission, as well as plaintiffs in six other actions, leave to file their First Amended Complaints under seal. *See* Order

Granting Plaintiffs' Motion to Strike and Amended Motion for Leave to File Amended Complaints Under Seal, Doc. 262. On May 30, 2018, the Court granted Plaintiff Cabell County Commission leave to file their Second Amended Complaint under seal, Doc. 516.

Plaintiffs' Joint and Third Amended Complaint will contain information included in the existing complaints filed under seal pursuant to these orders, as well as CMO 2. Specifically, the Third Amended Complaint will contain:

- 1) the Consolidated ARCOS Protective Order Re: DEA's ARCOS/DADS Database, Rec. Doc 1545 (hereinafter "ARCOS Protective Order"); and
- 2) Case Management Order No. 2: Protective Order, Rec. Doc. 441.

Plaintiffs respectfully request to proceed in this manner so there are no inadvertent disclosures of information subject to Protective Orders. Plaintiffs will also file a redacted version of said Joint and Third Amended Complaint in the public record.

WHEREFORE, Plaintiffs respectfully request the Honorable Court to grant Plaintiffs' Joint Motion for Leave to File the Joint and Third Amended Complaint Under Seal.

Dated: June 10, 2019

Respectfully submitted:

/s/ Peter J. Mougey
Peter J. Mougey
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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/ Peter J. Mougey
Peter J. Mougey
Counsel for Plaintiff